

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

MICHIGAN PROTECTION AND
ADVOCACY SERVICE, INC.,

Plaintiff,

v.

Case No. 2:18-cv-13201

Hon. Avern Cohn
Maj. Hon. Mona K. Majzoub

SPECTRUM JUVENILE JUSTICE
SERVICES,

Defendant.

ORDER

It is **ORDERED** that the Plaintiff's Motion for Summary Judgement and Permanent Injunction [ECF No. 15.] is **GRANTED**.

It is further **ORDERED** that the Defendant, SPECTRUM JUVENILE JUSTICE SERVICES, its agents, servants, employees, attorneys and all in active participation with them who receive actual notice of this order, are commanded:

A. To furnish Plaintiff with the requested records in this matter within three business days of the date of this order, the specific records being:

- a. All contracts Spectrum Juvenile Justice Services has with Dr. Kyle Smith;
- b. Any documents in Dr. Kyle Smith's employment file related disciplinary action regarding the prescribing medications for residents;
- c. For each child being treated by Dr Kyle Smith from December 19, 2018 to the present:
 - i. All medication administration records;
 - ii. Diagnosis from each child's mental health evaluation;
 - iii. Prescription records; and
 - iv. All prescription related billing records;

B. To respond to any future records requests made by Plaintiff by providing the records of any individual with developmental disability, as defined under and in accordance with the DD Act, within three business days or 24 hours,

depending on the circumstances as set forth in the regulations, after the receipt of a written request from plaintiff, 45 C.F.R. § 1326.25(c);

- C. To respond to any future records requests made by Plaintiff by providing the records of any individual with a condition covered by the PAIMI Act within five business days (see 42 C.F.R. § 51.41(a), requiring that records be provided “promptly”) after the receipt of a written request from plaintiff;
- D. To permit Plaintiff monitoring of Defendant’s facilities, and meet with residents as prescribed in P&A Acts and regulations [45 C.F.R. § 1326.27; 42 C.F.R. § 51.42];
- E. Allow posting of patient rights to contact the P&A system as provided under the P&A Acts (plaintiff shall provide Defendant with posters). 45 C.F.R. § 1326.27(c)(2)(i); 42 C.F.R. § 51.42(c)(1).

For the purposes of this mandatory injunction, the term “business days” excludes, Saturday, Sunday, and any day recognized as a Federal holiday.

S/Avern Cohn
AVERN COHN
United States District Judge

Dated: July 25, 2019
Effective – August 24, 2019